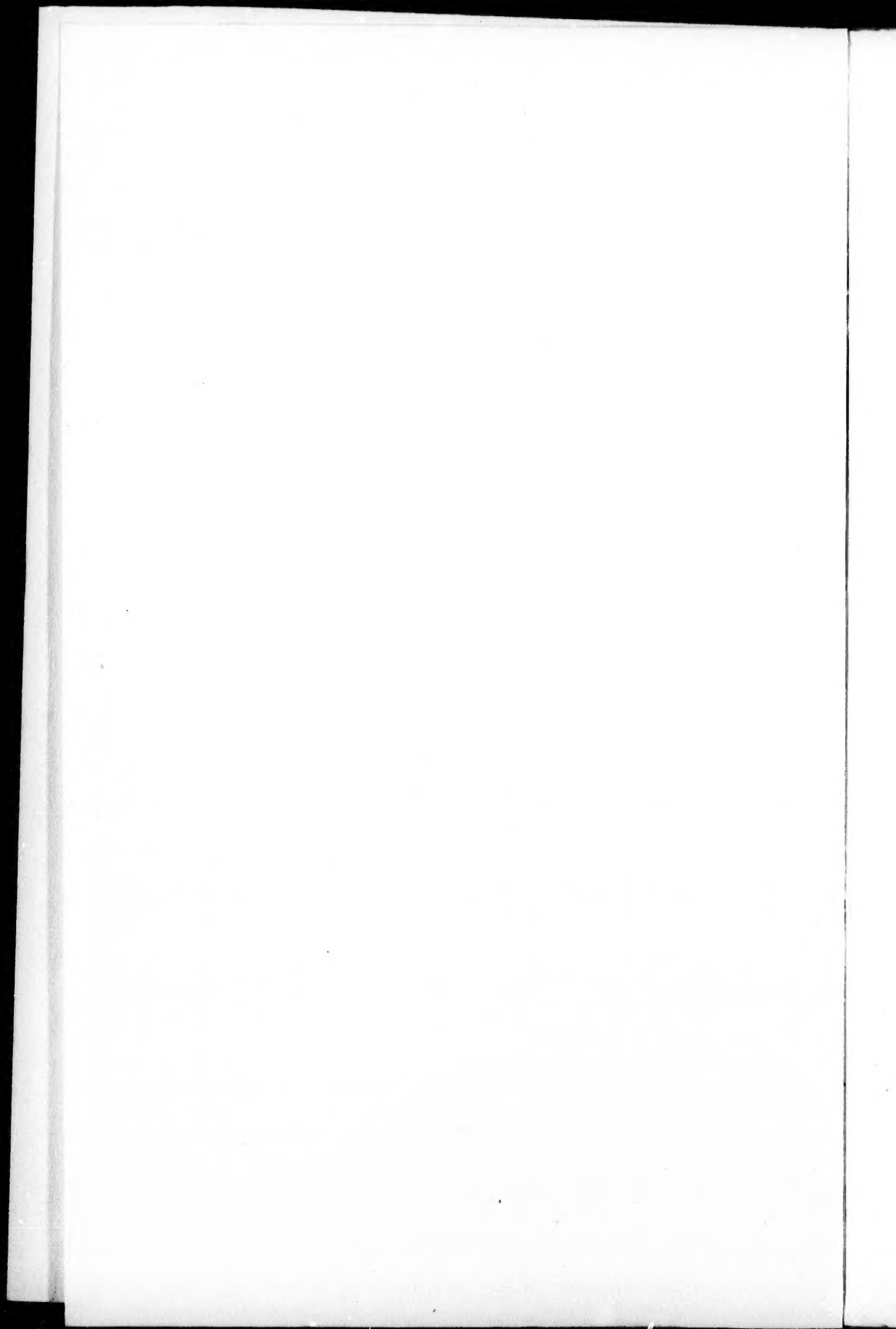




PROBABLE STATE

**OF THE HOUSE OF ASSEMBLY IN THE UNITED
LEGISLATURE.**

A new Election takes place in both Canadas, this Summer.

LOWER CANADA.

The same Members may be returned for this Province that served during the last four years.

They consisted, as far as I can find, of Frenchmen	40
of Englishmen	10
	50

Unfortunately several of the English Members (as, indeed, has generally been the case) were violent oppositionists; if they should act otherwise, it is easy for the French Canadian population to change most of them at any future Election, as will appear from the national character of the Inhabitants of those places for which Englishmen were chosen.

<i>Counties.</i>	<i>Catholics.</i>	<i>Protestants.</i>	
Dorchester	17,189	200	} These Counties are each entitled to return two Mem- bers, and they elec- ted one French Canadian, and one Englishman.
Effingham	15,625	300	
Leinster	22,697	165	
Quebec	22,339	6000	

It is quite evident that the Roman Catholics can in these counties return Frenchmen, if they please, and thus dispose of four of the ten English Members.

The remaining six Members are returned,

1 For Three Rivers, who may be a Frenchman, as the English inhabitants of the Town cannot as yet command the Election.

1 For William Henry, who may always be counted upon as English and Loyal.

2 For Montreal { Each of these cities return
Four Members, and it has generally happened that two of
each nation have been chosen,
2 For Quebec { but whether this courtesy would
continue, I cannot determine.

—
6
—

Should the Union take place, the New Townships will return ten English Members of a mixed character; and not more than sixteen Englishmen can be reasonably expected on the part of Lower Canada, in the joint House of Assembly, which deducted from 60, the whole number of Representatives leaves 44 Frenchmen.

UPPER CANADA.

The House of Assembly of Upper Canada, which has just expired, consisted of 40 members, but by the operation of the law for increasing the Representation, the number to be elected this Summer, will be 44 or 46; we shall say 46, as the more probable. Of these, three will be Roman Catholics.

In the last Assembly, the Divisions were commonly as three to two in favour of Government, or 24 to 16. On the most favourable supposition, therefore, the New House of Assembly will be 28 to 18.

Assuming the above, as correct data, the first United House of Assembly will consist of Members

For Lower Canada	60
For Upper Canada	46
	106

As distinguished by Religion,

Roman Catholics, perhaps 50, but certainly	47
Protestants of all denominations	59

As distinguished nationally,

French Canadians	44
Englishmen	62

Giving a majority of Englishmen of all descriptions 18

This Majority will increase at every Election, till the number of Members for Upper Canada amount to 60 ; thus adding 14 to the former majority of 18, making it 32.

The number of English Members will increase from other causes.

First. From the great influx of British Emigrants.

Second. From changing the Tenure of land, which will introduce the system of County Registers, and thus deprive the Notaries of half their influence.

Third. From British Capitalists purchasing Seigniories, and thus acquiring an influence over their French Canadian Tenants.

Fourth. From ordering the Legislature to meet at a place central for the Canadas. The Canadian French have little public spirit ; out of 50, the number of Members in their present House of Assembly, hardly more than 30 ever attend ; often fewer ; were the place of meeting, therefore, convenient for both Provinces, it is probable that very few French Canadians would be regularly present.

LETTER

TO HIS MAJESTY'S UNDER

SECRETARY OF STATE,

RESPECTING A PLAN FOR A

GENERAL UNION

OF THE

British Provinces,

AND ON THE SUBJECT OF THE PROPOSED

UNION OF THE CANADAS.

LONDON:

PRINTED BY W. CLOWES, NORTHUMBERLAND-COURT.

1824.

London, 1st July, 1824.

SIR,

HAVING been favoured by you with the perusal of two papers, the one intituled "Observations on the Policy of a General Union of the British Provinces," &c., the other intituled "Observations on a Bill for uniting the Legislative Councils and Assemblies of Lower and Upper Canada," &c., I would beg leave respectfully to offer a few remarks on them. The writer, it appears to me, has been under misapprehension, in his view of the subjects treated of, in several important particulars, and has fallen into inaccurate statements, from which very erroneous impressions might be received respecting the measures referred to. I shall endeavour very succinctly to point out these misapprehensions and inaccuracies. The first of these papers is distinguishable from other suggestions of a General Union of the Provinces, as an expedient measure, by a much larger enumeration, than is to be found in them, of the powers and duties of the proposed general government. It is plain that, in making this enumeration, the writer has confounded the powers peculiarly belonging to the local Legislatures and Governments, and of which they could not be divested, with those which might, with propriety, be assigned to a general Federative Government, and has even encroached on the sovereignty of the parent state, in his allotment of

Robert W. Horton, Esquire,

*His Majesty's Under Secretary
of State, &c. &c. &c.*

functions to the latter government. In proposing, for instance, to give power to the general legislature to levy and collect taxes, to pay the debts, and provide for the general peace and welfare, of the different provinces, without specification of objects, or restriction, the writer would deprive the local legislatures of all authority, and in effect transfer it to the general legislature: so, in giving power to the latter legislature to regulate the navigation of rivers and lakes common to any province or provinces and a foreign power, he would subject to it a matter to the regulation of which dependant provinces could not be competent, and which could be regulated only by the sovereign power of the state. In authorizing also the general legislature, without restriction, to open internal communications for the general advantage, such as roads, canals, &c., the local legislatures would be superseded. The proposed establishment of a court of justice incidentally to the general union, with an appellate jurisdiction over the courts in the several provinces, also implies a misapprehension of the nature and objects of the general union which is suggested, is altogether unnecessary in the present state of things, and would be incompatible with the continued existence of the local governments.—Other heads of the proposed constitution are specified, which, while the provinces continue subject to the parent state, would not require to be mentioned, and others which are provided for under the existing constitutions. With these deductions, it will be found that there are no

duties that could be assigned to the proposed general legislature requiring so important an establishment; and upon this head, as well as in respect to the unfitness of a general union to answer the purposes contemplated by a union of Lower and Upper Canada, I would beg leave humbly to refer to the remarks which I have had the honour of submitting on this subject.

In the second of the papers above mentioned, the writer admits the great advantages to result from a union of the Canadas under one legislature, which, indeed, are too evident to be denied by any disinterested person competently informed, but expresses an apprehension of difficulties and obstructions that may occur in the practical execution of the measure, for obviating which he offers particular suggestions. These difficulties and obstructions, I shall endeavour to shew, are altogether imaginary, and that the proposed remedies or palliatives may be very well dispensed with.

As constituting difficulty in carrying the union into effect, it is said that there are three general heads of policy on which the parties likely to compose the legislature will differ, and two on which they will probably agree. The first of the former is said to be the distribution of revenue. A ground of dispute on this subject is anticipated, because the expense of building court-houses and gaols in Lower Canada has been defrayed out of the public treasury, whereas, in Upper Canada, it has been provided

for by local taxation. There has been a reason for this difference, which would not operate after the union. In Lower Canada the administration of justice has not, hitherto, as in Upper Canada, been conducted by means of circuits, requiring a great number of court-houses and gaols at different places, but by courts stationary in the principal towns of Quebec, Montreal, and Three Rivers, and at Gaspé. In consequence of the small number of these jurisdictions, and the great extent of territory comprehended within them, it was found reasonable and convenient that the expense of building court-houses and gaols, of which only four have been required, should be defrayed, not by local taxation, but out of the general revenue, to which the whole province, including these particular places, contributed. Whenever local jurisdictions or circuits may hereafter be established in Lower Canada, requiring in the several counties the erection of court-houses and gaols, there can be no doubt that, even if the proposed union should not take place, the correct principle of taxation in such case, that is, local assessment as practised in Upper Canada, would be resorted to. This principle must of course obtain after a Union, and no person would expect that the expenses which are now defrayed in Upper Canada, by means of local taxation, would be defrayed in any other way in Lower Canada, after the adoption of that measure. The writer, in apprehending this difficulty, has probably not been acquainted with,

or adverted to, the local circumstances peculiar to Lower Canada now mentioned. It is perfectly plain that these circumstances, when explained, furnish no ground for his apprehensions, and, indeed, there can be no doubt that, in the United Legislature, the reasonable principle of providing for local wants by local taxation would be universally assented to.

The second point on which the representatives of the two provinces, it is said, will disagree, is commerce. This anticipated difficulty is to be referred to misapprehension and error. The writer seems to suppose that the laws of Lower Canada, with respect to commerce, are essentially different from those of Upper Canada, and absolutely irreconcilable with commercial enterprise. In this respect he is altogether mistaken. The laws of France, which prevail in Lower Canada, and the laws of England, which prevail in Upper Canada, are substantially the same in commercial matters, with the exception of some positive enactments of the French legislator which do not obtain in the former province, and some particular provisions of the English law, such as those relating to bankruptcy, which are not in force in the latter province. The writer has imbibed prejudices on this subject, which are without any foundation. He refers, however, with great reason, to some of the evils which have furnished just cause of complaint to Upper Canada; but these were not

the effect of any difference between the laws of the two provinces in commercial matters, nor of any want of *English feeling* in the English part of the community, as he asserts, but of the establishment of two legislatures where one only was required, which gave occasion to the improper exercise of power by the legislature of Lower Canada, to the prejudice of Upper Canada, by taxing her exports, &c. ; and to the same cause is to be referred the complaint as to the La Chine Canal, and the neglect to open roads between the two provinces ; for which, as well as for other grievances consequent on the present divided legislative authority, and the separate interests and jealousies thereby engendered in these provinces, a remedy can only be found in the proposed Union.

The third point on which a difference of opinion is apprehended, it is said, regards the laws generally of Lower Canada. The people of that province, it is to be observed, are satisfied with their laws, and prefer no complaint respecting them :—they have been confirmed and guaranteed by two Acts of the British Parliament, and no person expects that any change is to be made in them, except such as the local legislature may, from time to time, see fit to adopt. Upper Canada, by the proposed Union, will retain her laws unimpaired, and in their full vigour. What cause, then, can the people of the latter province, or their representatives, have for difference with their fellow-subjects of Lower Canada

respecting their laws? It is impossible to foresee any ground of dispute on this head, as the provinces will respectively retain their laws: and no other alteration in them is to be anticipated, than such as takes place with respect to the laws of England, Scotland, or Ireland, when the Parliament of the United Kingdom, in its wisdom, from time to time, deems it necessary to make alterations in them. The character ascribed by the writer to the laws of Lower Canada, and his statements respecting them, must have originated in a total want of acquaintance with the subject, and cannot be passed over in silence. He has evidently imbibed prejudices against that part of those laws derived from France, which for many years obtained in Lower Canada, but which gradually abated in that province, as the knowledge of the laws became more generally diffused, and a better administration of them was afforded, and which may be said to be now nearly extinguished. The laws of Lower Canada, although composed of parts of different systems, are sufficiently defined, and do not admit of the uncertainty imputed to them. At this period, the writer is altogether mistaken in supposing that judges refer *ad libitum* to English Law, or Equity, or that property is less secure in Lower than in Upper Canada. Indeed, the language of the writer must have been taken from representations made soon after the conquest, when law and government were both in an extremely unsettled state; but it has not, at the present time,

the slightest application. Englishmen, and their descendants in Lower Canada, would unquestionably have preferred English Laws, and have repeatedly struggled unsuccessfully to obtain them: but they are not insensible to the merits of the system they possess, and do not seek to disturb that system as now established, and for the continuance of which the faith of the Imperial Parliament has been twice pledged. But be the merits or demerits of the laws of Lower Canada whatever they may, the inhabitants of Upper Canada sustain no inconvenience from them, and cannot have the slightest cause for apprehending, as the writer seems to suppose, that any part of the French laws will be ingrafted on their system. Any such consequence of the Union must be considered visionary in the extreme, as the effect of that measure will be to render a majority of the United Legislature, from its first formation, English; and no person can suppose that such a majority will be disposed to extend the sphere of French Laws. Indeed the solicitude of the writer for a melioration of the laws of Lower Canada, and to prevent their extension, however benevolent, is really not called for; and his suggestion of this ground of difference, with the statements to justify it, are absolutely without any reasonable foundation. The writer has no doubt been led, from some sources of information, to entertain the opinions expressed; but not being an inhabitant of Lower Canada, and probably not conversant with its laws and institutions, he has made

the suggestion under the most erroneous impressions: his very errors, however, are calculated to shew how expedient it is that the inhabitants of the two provinces should be made better acquainted with each other by a Union. A few years' experience under a United Legislature would most happily undeceive him, on this, as well as other points of anticipated difficulty.

The grounds of apprehended difference in the United Legislature being evidently imaginary, it would seem to be unnecessary to offer any observations on the palliatives or remedies that are suggested. Without passing them over wholly in silence, it is proper to observe on the first of these, namely, "the holding of the sittings of the Legislature altogether, or alternately, in Upper Canada," that this is a point on which the inhabitants of the two provinces are not likely to concur in opinion. Personal and local interests (from the influence of which the writer himself may, perhaps, not be wholly exempt) must be expected to bias too much the minds of individuals, to admit of considerations of public interest having due weight with them in determining where the sittings of the joint Legislature ought to be held. By the proposed Bill, this point is withdrawn from the operation of Colonial prejudices, it being left to the discretion of the Government to fix the places for holding the Legislature; and this is evidently expedient, not only for the reason just given, but because it is the undoubted prerogative of the crown to determine

this point. The power of convening the Legislature at such place as may be most convenient, being lodged in the crown, it is too soon to raise discussions on this subject before the Union-Bill is passed. After the measure has been adopted, it will be quite time enough, it is presumed, to submit to His Majesty's Government considerations which may influence its determination in this particular. Some intermediate place between Quebec and York will, no doubt, hereafter be deemed most convenient for holding the sittings of the Legislature: but, in the first instance, and until suitable accommodations can be provided elsewhere, it is presumed, the sittings must be held at Quebec. The second suggestion of a remedial nature, viz., the raising of the qualification of electors, (although not called for by the apprehended difficulties) I readily admit is deserving of consideration, on other grounds; and I humbly think that a higher qualification than is now required, for electors in the town and country might, with great propriety, be established.

Another change proposed to be made in the existing Constitutions, I should dissent from, as not being called for by the considerations offered by the writer, and as being in itself, under present circumstances, altogether inexpedient. I allude to that by which it is proposed to extend the duration of the Provincial Parliament from four to seven years. Whatever inclination of opinion there may be in England in favour of Septennial Parliaments, as they obtain in the present advanced state of society, and have been sanctioned

by long usage there, a difference of circumstances, and of usage in all the Colonies, would, I apprehend, prevent the application of the same limitation in Canada. To say nothing of the different state of society in the two Countries, and the beneficial influence derived from an enlightened public opinion in the former, rendering frequency of Elections less necessary, which, for a long period cannot be expected in the latter, it is sufficient, I presume, on this head, to observe, that the eminent Statesmen who gave the Canadas their present Constitution, admitted that a different regulation was required in the two Countries, by prescribing four years as the duration of the Canadian Parliaments; and after this regulation has been acted upon for upwards of thirty years, to the satisfaction of the Inhabitants, it would seem to require much more cogent reasons than those that are offered, to give occasion to so material an alteration in the Constitution. Among the motives for giving the Canadas the free Constitution they enjoy, it was expressly stated, as being one, that it was desirable they should have nothing to envy in the institutions of the adjoining States. This policy would not be observed, if the proposed alteration were adopted, and the difference between Annual and Septennial Elections, as obtaining on the one and the other side of the line of division, could not fail to be striking. If any alteration should be made on this point, I should humbly conceive, on principle, as well as on the ground of a reasonable and politic regard to the

feelings and wishes of the people to be affected by this regulation, the increased duration of the Provincial Parliament should not be carried beyond Five Years, as proposed in the Bill of 1822. In fixing this duration, a medium between two extremes would be adopted, obviating the objections to Triennial Parliaments as being too short, and those to Septennial Parliaments as being too long.

The first of the points of policy, on which, it is said, the United Assembly will agree, is the assumption of the civil list.—With respect to the payment of the whole civil expenditure of the government of the two provinces, from their own resources, no difference of opinion is likely to occur, as it is in itself reasonable and just, and the means of the provinces are fully adequate to the burthen to be assumed. The conduct of the Assembly of Upper Canada is by the writer advantageously contrasted with that of Lower Canada, and increased difficulties are apprehended on this subject after a Union. Any facilities which may have been experienced in Upper Canada on this head, and to which the writer refers, would certainly afford no ground for calculating on a continuance of them in that province, even without a Union; for, up to the present period, materials for dispute have not been afforded: no difficulties could possibly occur there, as hardly any portion of the Revenue has been raised under the authority of the provincial legislature, and the sums in question have been too insignificant to be made the subject of dispute. This, however, is no

longer the case: under the Canada Trade Bill, the consent of the Assembly of Upper Canada to the imposition of new duties to be levied at Quebec has become necessary, and a larger and permanent revenue is placed at its disposal. A bone of contention is now furnished, and no person acquainted with the present composition of the Assembly of Upper Canada, and the character which it is reasonable to expect will belong to that body, without a Union, could, it is presumed, be of opinion that its dispositions would be altered for the worse, by uniting it with the Assembly of Lower Canada. The supposition, therefore, that any increased difficulties would be incurred, as respects Upper Canada, after a Union, is altogether gratuitous. The principal causes of the untractableness of the Assembly of Lower Canada are to be found in the foreign character of its members, and the absence of all communion of feeling with the other branches of the Government, arising as well from this foreign character, as from the exclusion of persons of property, weight, and influence, from that branch of the Legislature, which obtains under the present system. After a Union, these causes would cease to operate:—an English majority would give a new tone to the feelings of the joint Assembly, and the introduction into it of persons of wealth, weight, and intelligence, would serve to connect it with the other branches of the Government, and thus strengthen the executive power, and give consistency and unity of character to the public measures.—In such an Assembly, in which

much more of intelligence, and of the weight and influence of property would be found, than in the present separate Assemblies, it is certainly quite reasonable to expect that more enlightened views of the public interest would be entertained, and a more liberal and cordial support given to the efficient administration of Government. There is, indeed, every rational ground for supposing that the causes of the present embarrassments and difficulties in Lower Canada would not only be effectually removed by a Union, but that, by that measure, a common national character would also be given to both provinces, in which the Englishman and Frenchman would be blended, distinguishing them from the adjoining States, and serving to connect them more intimately with the Mother Country. So far, therefore, from auguring unfavourably, respecting the civil list, from a Union, a beneficial change for the better might be anticipated from that measure; and this transition is certainly the more necessary, as it is impossible things can be on a worse footing than they now are in Lower Canada, on this subject. It is somewhat singular that the writer of the Observations should suggest, as the means of rendering the United Assembly more tractable, and of infusing into it a better disposition, that the constitution should be altered in a most material particular to their prejudice, by an abridgement of their privileges, and the enlargement of the power of the Legislative Council, in what respects money-bills. As the sole power of giving would still belong to the

Assembly, with this proposed alteration, it seems singular to expect that their disposition to give would be increased by conferring on the Legislative Council the power of controlling such acts of benevolence, and of adding to, or diminishing their amount. A most important addition would certainly be made to the constitutional powers of the Legislative Council, but without any benefit whatever to the Executive Government, and certainly to the extreme dissatisfaction of the inhabitants of both provinces. As to the speculative expediency of any such alteration, it would be presumption in me to offer any opinion. I would only beg leave to observe, that the inhabitants of the Canadas have been favoured with the constitution of the parent State, as far as their dependent condition would permit,—are perfectly satisfied with its excellence,—and seek no improvements, even from the adjoining soil of liberty, to which allusion is made. In referring, however, to the power given by the Constitution of the United States to the Senate, the writer ought not to have overlooked the important circumstance that the members of that body are not appointed, as the members of the Legislative Councils of the Canadas, by the executive Government, for life, but are elected by the people for short periods. So that there is no analogy between the Senate and the Legislative Councils, in the nature of their Constitution, or in the source from which they derive their authority; and a power which it might be expedient to grant to the Senate, under the Constitution of the

United States, it might be altogether inexpedient to grant to a Legislative Council, under the Constitution to be given to the Canadas.

The last point, on which difficulties and dangers are apprehended by the writer, is one on which his apprehensions are in the highest degree imaginary ; so much so, that persons personally acquainted with the Canadas must feel surprise that they should be entertained by any person. He supposes Religion to be a subject on which the Roman Catholic and Sectarian Members of the joint Legislature would concur in measures, to the prejudice, if not to the subversion, of the Established Church. To exclude the supposition of any such danger, or of any hostile attempts against the Church, by means of any such combination, or otherwise, it is sufficient to observe that, by the present Constitution, which, in this particular, would continue after the Union, no enactments affecting the Church, or the rights of any of its Members, can become a Law, without the previous approbation of the Imperial Parliament ; and it would be quite preposterous to apprehend danger to the Church, when, beside this security, the sanction of His Majesty, whose disposition, as well as duty, must concur in disposing him to give every support to the Church, is also required to give effect to any such enactments. In Lower Canada, out of fifty Members of the Assembly, as now constituted, there are not more than six or seven Members belonging to the Church of England ; the rest, with the exception of

two or three Members who are Dissenters, being Roman Catholics. Yet the Church continues in inviolable security, and no person certainly entertains any apprehensions for its safety. The effects of a Union will be to introduce into the joint Assembly, probably, forty or fifty Members belonging to the Established Church,—to give an English character to Lower Canada,—to increase rapidly the number of Churches of the Established Religion of the State, as a consequence of the increase of English population, and certainly, under the protection of the Government, to augment the influence and power of that Religion. Assuredly, under such circumstances, the Church must be a gainer by the Union, and find itself much more advantageously situated, with that measure, than without it; acquiring at the same time a much larger sphere of usefulness and influence. The writer gratuitously supposes that the Roman Catholics and Sectarians will unite against the Church. There are certainly few sympathies between these two descriptions of persons to produce Union, and many causes of antipathy to prevent it. If however, they had any common interests to promote, such a supposition might be less improbable; but they have no interests in common. The Roman Catholic Religion may be considered as an established Religion in Canada, and those who profess it have no interest in advancing the views which Sectarians might entertain: on the contrary, so far as interest is concerned, the Roman Catholics might be

expected to resist any further extension of privileges to them, and, on that head, feel a community of interest with the established Church of the State. There is besides such an opposition in manners, habits, and modes of thinking between the Roman Catholics of Lower Canada and the Sectarians to be hereafter found in the joint Legislature, that a coalition between them for any purpose, even from this cause, is rendered improbable in the extreme. It seems quite unnecessary, therefore, to canvass conjectures as to the relative proportion of Members in the joint Legislature, to be furnished by Roman Catholics, by persons professing the Religion of the State, and by Sectarians. Under the salutary provisions of the Constitution, no advantages can be gained in the joint Legislature by one religion at the expense of the other, and least of all can any apprehension be entertained for the interests of the Religion of the State. That it is not difficult for the writer to come to such conclusions, as he is desirous of establishing, is exemplified, when he proves that a majority of Protestants (which it is admitted will be obtained by the Union) will become a minority, by assuming that all the Roman Catholics will attend, and only a part of the Protestants will be found in their places. On such grounds of reasoning, it would be difficult to satisfy the person entertaining them respecting securities. The assumption, however, that there will be greater diligence and assiduity on the part of the Roman Catholic, than the Protestant,

members, in the discharge of their legislative duties, is not conformable to experience. On the contrary, in Canada, the former have always been less exact in their attendance, and have exhibited less zeal and perseverance than the latter. The writer has afforded proof of this, in asserting elsewhere that of fifty members for Lower Canada, seldom more than thirty have given continued attendance.

Under the head of causes of danger to the Church, and with a view to a modification of the present Constitution for its safety, it is alleged, "that the state of the two Churches is very different: the Provincial Legislature have nothing to do, either directly or indirectly with the Romish Church, but the same Legislatures may vary, or repeal, or modify, the thirty-first of the King, in as far as respects the Church of England." In making this assertion, the writer has laboured under a mistake: the Roman Catholic Church has no such advantage, as he supposes, over the Church of England; on the contrary, both Churches stand precisely on the same footing with respect to the power of the Provincial Legislatures over them. These are competent to acts of Legislation, as to both, but subject to the same restrictions, which ensure the safety of both Churches, and the rights of their Ministers. To be convinced of this, it is only necessary to refer to the 35th, 41st, and 42d Sections of the 31st Geo. III., Cap. 31, which it is proposed to re-enact in the Union-Bill. The policy of the provisions in these clauses is

too evident to require any observation; and the writer has been lamentably mistaken in supposing that he would benefit the Church of England, and add to its security, by a simple repeal, as he proposes, of the 41st and 42d Sections of the Act last mentioned, in so far as the same relate to the Church of England, as the effect of such repeal would be to leave an unrestricted power of Legislation, in the hands of the Provincial Legislature, over the Church of England, while the Roman Catholic Church, and even Sectarians, would enjoy the benefit of the restrictions imposed by the 35th and 42d Sections. The writer has also laboured under misapprehension in his observations respecting the 25th clause of the printed Bill of 1822. This clause does not, as he supposes, establish the supremacy of His Majesty in Canada. This was done by the introduction of the public Law of England, as one of the effects of the Conquest of Canada, and by the express provision of the Act 14th Geo. III., Cap. 83d, Sec. 5th. Having, on a former occasion, respectfully submitted an opinion respecting the Clause now referred to, I forbear to make any further observation respecting it. In noticing the want of a well-constituted Court of Appeals in the two Provinces, and suggesting the establishment of one, the writer has, I apprehend, connected with the proposed measure of a Union, a question somewhat foreign to it; and although the establishment of such a Court on proper principles might be highly useful, and be very desirable, I humbly conceive that it is a matter

which it would be expedient to leave to the discretion of the future joint Legislature. Of the expediency of repealing the provisions contained in the Canada Trade Bill, which were intended to settle the differences respecting Revenue and Imposts, I humbly think no doubt can be entertained. The cause of the evils intended to be remedied by these provisions will be removed by a Union, and it would be highly inexpedient to leave them in force, though no longer applicable, as a source of conflicting claims, and of contention, in the joint Legislature.

I have to apologize for the great length to which this letter has become extended, and for which I can only expect to find an excuse in the great importance of the subject in question, and in my anxiety to prevent erroneous impressions respecting the proposed Union of the Canadas, the adoption of which measure I feel convinced is alike necessary for the interest of the parent State, and for the security and prosperity of those Colonies.

I will only beg leave further to trespass on your attention, by subjoining a short statement, exhibiting the probable future composition of the joint Assembly.

I have the honor to be, with great respect,

Sir,

Your most obedient, humble Servant,

J. STUART

STATEMENT exhibiting the probable future composition of the joint Assembly, after a Union.

The number of Members in the Assembly of
Lower Canada, as now constituted, is 50

This number will be increased under the proposed
Union-Bill 10

Making the entire number of representatives for
Lower Canada..... 60

Of this number it will be in the power of the English population to return twelve without contest, including in that number the Members for William Henry and Gaspé, in the election of whom no French interest can be exerted. The towns of Quebec and Montreal now return, each, two English Members, and the town of Three Rivers, one. Although this might be prevented by unanimity in the French Canadians, it is not likely this unanimity will be manifested, and it is probable that, with the increased exertion of the English influence after a Union, the present number of Englishmen may be returned for those parts of the province, in which the French population is the most numerous.

The number of Representatives for Upper
Canada, in the joint Legislature, taking the representation of that province as it stood when the Union-Bill was introduced in 1822, will be 40

Making the entire number of representatives in
the joint Assembly, after the Union 100

This number will, under the above supposition, be composed of

French Members for Lower Canada	39
English Members for ditto	21
English Members for Upper Canada ..	40

100

Affording an English majority of..... 22

But if the French interest should be exerted, so as to exclude English Candidates altogether, throughout the Province of Lower Canada, where that interest prevails, then the numbers would stand thus.—

English Members returned by places inhabited by Englishmen in Lower Canada	12
English Members returned by Upper Canada..	40
French Members returned by parts of Lower Canada, inhabited by French and English ..	48

100

Affording an English Majority of 4

This latter supposition is altogether improbable, and it is more likely that the English majority would be from ten to fifteen in the first session of the joint legislature, after a general election.

That this majority would be increased after all future elections there can be no doubt, as the causes

of national prejudice would fast wear away after a Union, and a rapid increase of the English population in Lower Canada would take place from immigration, with an augmentation of influence from increased numbers and the acquisition of real property.

The English majorities above stated would also be increased, if Upper Canada should be permitted to benefit by the increase in her representation since 1822. Considering, however, the advantageous terms, in what respects the number of her representatives, on which it was proposed to admit her into the Union, by the Bill of that year, and the unreasonably rapid increase in her representation which her present laws authorize, it may, perhaps, be thought reasonable and proper that her representation should be taken as it stood in 1822, without admitting into the joint assembly the representatives who may have since been added to the number of her members in the present assembly.

It is to be observed that elections are now going forward in Lower and Upper Canada. If the same number of Englishmen should be returned for Lower Canada for the next, as for the late Parliament, which is probable, and if the joint assembly should be permitted to sit before a future general election, then, by adding to the present representation of Lower Canada the ten members who may be returned immediately, under the authority of the Governor, as provided in the Union-Bill, an English majority of twenty-two would be obtained as a

matter of certainty, without the hazard of election, even though the number of representatives for Upper Canada should be limited to forty, as proposed in 1822.

London, 1st July, 1824.